

**FILED**

**AUG 05 2005**

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

CENTRAL DIVISION

  
CLERK

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UNITED STATES OF AMERICA,

Plaintiff,

-vs-

ALEXIS SALGADO,

Defendant.

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CR 05-30053 (01)

ORDER AND OPINION

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Defendant filed a motion to suppress evidence and statements with a supporting memorandum of law (Docs. 17 and 18). The government filed a response (Doc. 19). Defendant seeks to suppress statements given by him on March 4, 2005, and March 29, 2005. U.S. Magistrate Judge Moreno conducted an evidentiary hearing on July 7, 2005, and filed and served a report and recommendation for disposition of the motion (Doc. 31). The Court has conducted a *de novo* review of the transcript of the hearing (Doc. 33), the transcript of the findings made on the record by the magistrate (Doc. 34), and all the files and records herein, including the exhibits received in evidence at the hearing. Defendant has filed objections (Doc. 35) to the recommendation of the magistrate and the objections have been considered. The plaintiff has filed no objections and the time in which to do so has expired.

The objections should be overruled, the motion granted, and the report and recommendation accepted.

Now, therefore,


IT IS ORDERED, as follows:

- 1) The motion for suppression of evidence and statements (Doc. 17) is denied.
- 2) The objections (Doc. 35) should be and are hereby overruled.

3) The report and recommendation (Doc. 31) as well as the findings made by the magistrate (Doc. 34) should be and are hereby adopted.

Dated at Aberdeen, South Dakota, this 5<sup>th</sup> day of August, 2005.

BY THE COURT:



CHARLES B. KORNMANN

United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY:



DEPUTY

(SEAL)